



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 18, 1996

Ms. Lois A. Wischkaemper
Jones, Flygare, Galey, Brown & Wharton
P.O. Box 2426
Lubbock, Texas 79408-2426

OR96-0347

Dear Ms. Wischkaemper:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36060.

The Lubbock County Hospital District (the "hospital district") received a request for the report prepared for the hospital district by Kaufmann, Hall & Associates. You state that all but twenty-two pages of the report have been released to the requestor. You contend that the twenty-two pages submitted to our office for review are excepted from required public disclosure under sections 552.104, 552.105, and 552.111 of the Government Code.

Section 552.111 excepts "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." Section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5. The policymaking functions of an agency, however, do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

We have reviewed the information submitted for our consideration. We agree that this information consists of advice, recommendations, and opinions implicating the policymaking processes of the hospital district. You may withhold this information under section 552.111 of the Government Code. As we resolve your request under section 552.111, we need not address the applicability of sections 552.104 and 552.105 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay", written in a cursive style.

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/ch

Ref: ID# 36060

Enclosures: Submitted documents

cc: Mr. Don R. Richards
McWhorter, Cobb and Johnson, L.L.P.
P.O. Box 2547
Lubbock, Texas 79408
(w/o enclosures)